

LINDA NEWMAN CONSTRUCTION
COMPANY, INC.

VABCA-6308

CONTRACT NO. V594C-485

VA MEDICAL CENTER
GAINESVILLE, FLORIDA

Linda Newman, President, Linda Newman Construction Company, Inc.,
Gainesville, Florida, for the Appellant.

Stacey North Willis, Esq., Trial Attorney; *Charlma J. Quarles, Esq.*, Deputy
Assistant General Counsel; and *Phillipa L. Anderson, Esq.*, Assistant General
Counsel, Washington, D.C., for the Department of Veterans Affairs.

**ORDER REINSTATING APPEAL
AND
ORDER ENTERING JUDGMENT**

1. By ORDER DISMISSING APPEALS dated November 30, 2000, and pursuant to a settlement reached in an Alternative Dispute Resolution (ADR) proceeding held on November 14, 2000, the Board dismissed the captioned appeals with prejudice, subject to reinstatement if the settlement was not effectuated.

2. On January 8, 2001, the Board received the parties' JOINT MOTION FOR JUDGMENT ON SETTLEMENT AGREEMENT, in which they represent that "[a]s a result of ADR, the VA and LNCC reached a settlement and have signed a Settlement Agreement that amicably resolves the issues that are the subject of these appeals [VABCA-6307 and 6308]," and move that VABCA-6307 and 6308 be dismissed with prejudice.

3. The JOINT MOTION also moves the Board to enter for "judgment in VABCA-6308, in the amount of \$95,000 plus interest calculated from January 31, 2000." Additionally, the JOINT MOTION provides that "the Appellant waives any right it may have to make claim for recovery of attorney fees and expenses under the *Equal Access to Justice Act*."

4. Accordingly, VABCA- 6308 is hereby reinstated for purpose of issuing the following ORDER.

5. By the terms of the SETTLEMENT AGREEMENT as represented in the JOINT MOTION, the Government will pay to the Appellant the sum of \$95,000 in VABCA-6308, which represents a complete equitable adjustment for the claims encompassed by the captioned appeals. This includes any fees and expenses otherwise recoverable under the *Equal Access to Justice Act*, but is exclusive of interest due under the *Contract Disputes Act of 1978*, which will be paid from January 31, 2000.

IT IS SO ORDERED

DATE: **February 1, 2001**

PATRICIA J. SHERIDAN
Administrative Judge